

**Federal Defenders
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VIA ECF

The Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: United States v. Lawrence Ray
20 Cr. 110 (LJL)**

Dear Judge Liman:

We write on behalf of Lawrence Ray to respectfully request that the Court preclude leading questions on redirect examination.

On Friday, March 25, after the defense completed its cross examination of Claudia Drury, the government began its redirect. During redirect, the government's questioning consisted almost entirely of leading questions. The defense objected; the Court overruled the defense. The defense now renews its objection.

"As with direct examination, leading questions are generally improper on redirect examination." § 21:12. Leading questions, 4 Lane Goldstein Trial Technique § 21:12 (3d ed.). While district courts have discretion to determine the scope of such an examination, leading questions are generally permissible on redirect only when the witness is considered hostile. *See U.S. v. Wiley*, 846 F.2d 150, 156 (2d Cir. 1988) (granting government's request to question witness as a "hostile witness" and permitting leading questions on redirect when the witness "was unresponsive and deviated from previous statements"); *Pietrangelo v. Wilmer Cutler Pickering Hale & Dorr, LLP*, 68 A.3d 697, 717 n. 15 (D.C. 2013) (permitting leading questioning on redirect after presuming the witness was hostile). *See also United States v. McGovern*, 499 F.2d 1140, 1142 (1st Cir. 1974) ("The evil of leading a friendly witness is that the information conveyed in the questions may supply a 'false memory'."), citing *United States v. Durham*, 319 F.2d 590, 592 (4th Cir. 1963).

For these reasons, the defense respectfully requests that the Court exercise its discretion to curtail leading questions on redirect of government witnesses.

Thank you for your consideration of this matter.

Hon. Lewis J. Liman

Respectfully submitted,

/s/

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cc: Counsel of record